

In the Matter of:
MAGGIE RUSSELL
VS
MISS. GULF COAST COMMUNITY COLLEGE

BONFANTI, PHILIP

March 29, 2023

eDeposition
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844.533.DEPO



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MAGGIE RUSSELL PLAINTIFF

VS. 1:22-CV-00086-TBM-RPM

MISSISSIPPI GULF COAST COMMUNITY
COLLEGE through its Board of
Trustees (in their official
capacities) and DOES 1-20; inclusive DEFENDANTS

10 30(B)(6) DEPOSITION OF MISSISSIPPI GULF COAST
COMMUNITY COLLEGE

30(B)(6) DESIGNEE: PHILIP BONFANTI

14 Taken at the offices of Boyce Holleman &
15 Associates, 1720 23rd Avenue, Gulfport,
Mississippi, on Wednesday, March 29, 2023,
beginning at 1:49 p.m.

18 REPORTED BY:

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16

17

ALSO PRESENT:

18

Jason Pugh
19 Aimee McGehee

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1 I N D E X

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3 WITNESS: PHILIP BONFANTI PAGE:

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10 E X H I B I T S

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Exhibit 6

12 Defendant's Response to Plaintiff's
13 Notice of 30(b)(6) Deposition of
MGCCC and Requests for Production of
14 Documents..... 14

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1 S T I P U L A T I O N

2 It is hereby stipulated and agreed by and
3 between the parties hereto, through their
4 respective attorneys of record, that this
5 deposition may be taken at the time and place
6 hereinbefore set forth, by Kati Vogt, RPR, RMR,
7 CRR, RDR, Court Reporter and Notary Public,
8 pursuant to the Federal Rules of Civil Procedure,
9 as amended;

10 That the formality of reading and signing is
11 specifically RESERVED;

12 That all objections, except as to the form of
13 the questions and the responsiveness of the
14 answers, are reserved until such time as this
15 deposition, or any part thereof, may be used or is
16 sought to be used in evidence.

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1 PHILIP BONFANTI,
2 having been first duly sworn, was
3 examined and testified as follows:

4 EXAMINATION

5 - - -

6 BY MR. ALTMAN:

7 Q. Hello, Dr. Bonfanti. Thank you for
8 appearing today. How are you?

9 A. I'm doing fine. How about yourself?

10 Q. All right. I'm doing okay.

11 Before we begin, have you ever had your
12 deposition taken before?

13 A. I have not.

14 Q. Okay. So I just want to go over a couple
15 of rules, shall we say, just to make sure we get a
16 good record.

17 One of the things, that's going to take
18 some practice, is for you to wait for me to finish
19 asking my questions, and for me to wait for you to
20 finish answering my questions, so we get a nice
21 clean record and the court reporter doesn't get
22 mad at either one of us, particularly me.

23 A. Good.

24 Q. You have to use verbal responses. Nods
25 and head, shakes of the head don't work. "Yes,

1 no," please.

2 A. Got it.

3 Q. If I ask you a question and you don't
4 understand it, please let me know. Okay?

5 A. Uh-huh.

6 Q. Is that a yes?

7 A. Yes.

8 Q. We do that all the time and we still
9 forget.

10 Okay. If you don't tell me that you
11 don't understand a question, I'll assume that you
12 do. Okay?

13 A. Got it.

14 Q. The other thing here is this is not an
15 endurance test. Anytime you think you need a
16 break, as long as there's not a question pending,
17 just let us know, and we'll take a break to meet
18 your needs. Okay?

19 A. Sounds perfect.

20 Q. All right. Dr. Bonfanti, what's your
21 title at the university?

22 A. I'm the executive vice president for
23 student services and enrollment management.

24 Q. What does that mean to those that are not
25 here?

1 A. Well, I really wear two hats. I'm in
2 charge of -- overall in charge of student services
3 for the ten locations across the district. So
4 student services includes admissions, financial
5 aid, enrollment services center, student
6 activities, student discipline, and so on, typical
7 things you might find under student services.

8 And then enrollment management, I'm in
9 charge of the recruitment, marketing, retention
10 efforts at the college.

11 **Q. You don't have enough things going on.**

12 A. That's why I'm gray.

13 **Q. And how long have you been in this**
14 **position?**

15 A. I've been in this position since May
16 of 2019.

17 **Q. Okay. What were you doing before that?**

18 A. Before that, I was the dean of student
19 services and enrollment management at the now
20 Harrison County campus. I was there from 2014
21 to 2019.

22 **Q. Is that the campus that Maggie Russell**
23 **attended?**

24 A. Yes, sir.

25 **Q. Okay. Now, you understand that today**

1 you're not here as you. You are here as the
2 university, correct?

3 A. As the college, yes. That's correct.

4 Q. And the answers that you give are binding
5 on the college. You understand that, correct?

6 A. Correct.

7 Q. Okay. Now, do you have -- aside from
8 this lawsuit, did you have any specific knowledge
9 of Maggie Russell?

10 A. Well, I had met -- actually, I had met
11 Maggie Russell and her mom prior to the -- to the
12 lawsuit. I was actually the person she met with,
13 with the testing proctor, when she had the issue
14 with the testing center proctor.

15 Q. Okay.

16 A. It was -- we look a little alike, so I
17 guess --

18 Q. Well, to me, I'm blind, so you guys look
19 like two guys in -- you know, with white shirts and
20 ties.

21 A. Yeah. But as the dean of student
22 services, the testing proctor that she had a
23 complaint against reported to me.

24 Q. Okay.

25 A. And so she did come to my office. We

1 resolved that issue. It was separate and distinct
2 from -- from the lawsuit.

3 Q. Did you have any involvement in the
4 underlying issues forming the basis of this
5 lawsuit?

6 A. I'm not sure I understand the question.

7 Q. Well, you understand that this
8 essentially boils down to a dispute as to what
9 Maggie needs to do to finish up and graduate,
10 correct?

11 A. Correct.

12 Q. Okay. Did you have any involvement with
13 Maggie concerning that particular issue outside of
14 the context of this lawsuit?

15 A. My involvement would have been that I --
16 I manage the office that credentials students, that
17 decides whether or not they graduate.

18 Q. Okay.

19 A. Okay. I'm thinking that's what you might
20 mean.

21 Q. I'm just asking whether you personally,
22 as you sit here right now, remember dealing with
23 Maggie Russell with her dispute with the
24 university.

25 A. I do remember it happening, but I did not

1 have any direct --

2 Q. Okay.

3 A. -- conversations with her during the --
4 during the dispute.

5 Q. Did you have any discussions with anyone
6 concerning Maggie Russell? And I'm not asking
7 about the proctoring situation, the situation with
8 the proctor. Leave that alone.

9 A. Yeah.

10 Q. About her fundamental issue of taking
11 College Algebra?

12 A. Yes.

13 Q. Okay. And who did you have discussions
14 with?

15 A. I would have had discussions with
16 Dr. Bradley, Dr. Brown, and Aimee McGehee.

17 Q. Okay. And when was the last time you had
18 a conversation with them about Maggie before the
19 lawsuit was filed?

20 A. Oh, before the --

21 Q. Let me -- let me be clear so we don't
22 have to say this every time. Okay? None of the
23 questions I'm asking you are from the lawsuit going
24 forward. They're all during the contemporaneous
25 time when Maggie was attending or trying to resolve

1 her issue. I don't want -- just don't want to have
2 to say that every single time.

3 A. It might be helpful if you tell me when
4 -- remind me when the lawsuit was actually filed.

5 Q. That's an excellent question. I wish I
6 knew.

7 MS. BROWN: Early 2022.

8 MR. ALTMAN: Yeah.

9 A. Early 2022?

10 BY MR. ALTMAN:

11 Q. About a year ago.

12 A. I probably would have had -- prior to
13 that would have had a discussion in 2019 or so,
14 just prior to moving away from the campus to become
15 the vice president, and probably would not have, to
16 my recollection, discussed that until the lawsuit
17 was -- was brought.

18 Q. Okay. What did you do to prepare for
19 today's deposition? And one of the things I want
20 to be careful of -- I'm sure sister counsel and
21 brother counsel won't let you -- but the questions
22 I'm asking you, I don't want to know what you
23 talked to them about. Okay? I just want to be
24 very clear that I'm going to ask you certain
25 questions. The conversations you had, that's

1 privileged and protected, and so, you know, I'll
2 probably stop you, I'm sure they'll stop you if it
3 comes up. All right?

4 A. Uh-huh.

5 Q. So what did you do to prepare for today's
6 deposition?

7 A. I reviewed the interrogatories, both
8 interrogatories and documents pertaining to the
9 case; so letters we had received, emails that were
10 sent, I think things that were all submitted to you
11 as part of the discovery.

12 Q. Okay. Did you meet with anyone to
13 prepare for today's deposition?

14 A. Other than counsel?

15 Q. Did you meet with anyone?

16 A. Yes.

17 Q. Okay. Who did you meet with?

18 A. I met with counsel.

19 Q. Okay. Anybody other than counsel?

20 A. My colleague. There were colleagues
21 there, Dr. Pugh and Aimee McGehee.

22 Q. Okay. So the three of you. Were there
23 any other people from the university there?

24 A. Dr. Brown was there, and Dr. Bradley came
25 in and out, I think, for a few minutes.

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1 Q. Okay. And how many times did you meet?

2 A. Just the once.

3 Q. One time?

4 A. Uh-huh.

5 Q. When did you meet?

6 A. Yesterday.

7 Q. Okay. Was that the first time you had
8 had any substantive discussions about this case
9 with anyone?

10 MS. BROWN: Object to form.

11 BY MR. ALTMAN:

12 Q. You can answer.

13 MS. BROWN: You can answer.

14 THE WITNESS: Oh, okay.

15 BY MR. ALTMAN:

16 Q. These are technical things between us
17 pinheads that, you know, we have to deal with.

18 A. Yes.

19 Q. Okay. And who did you meet with?

20 A. I met with Dr. Pugh primarily as he was
21 the -- he was the person that was talking to
22 counsel and would come back to us and say, "I need
23 to collect" --

24 Q. Be careful. I don't want you to say what
25 he was told.

1 A. Oh, okay.

2 Q. Just be careful that you don't say what
3 he was told.

4 A. Sure.

5 Q. If he did something, that's okay. But
6 what he was told, I just -- I don't want to get
7 into that.

8 A. Okay.

9 Q. Okay. So aside from that, how many times
10 did you have meetings talking about the case?

11 A. Less than half a dozen times, I would
12 say.

13 Q. Okay. All right. So I'm going to mark
14 as Exhibit 6 a copy of the deposition notice, that
15 I won't be able to read, but, you know, we can do
16 it anyway.

17 (Exhibit 6 was marked.)

18 BY MR. ALTMAN:

19 Q. Have you ever seen that document before?

20 A. I have.

21 Q. Okay. When did you see that document?

22 A. I don't have the exact date. This was
23 presented to me by Dr. Pugh. We had a meeting to
24 discuss it and to collect the answers to the
25 interrogatories.

1 Q. Well, this is not --

2 A. Is it not?

3 Q. This is not the interrogatories. This is
4 a deposition notice.

5 A. Oh, okay.

6 Q. And, I believe, responses from sister
7 counsel. Just take a minute to go through it. I
8 just want to know if you've seen it before. Or
9 seen -- let me ask it a little more artfully.
10 There are some responses here that you may not have
11 seen, but they're the topical areas, they're
12 numbered. And that's what I want to know, whether
13 you've ever seen those topical areas before.

14 A. I'm not seeing -- I'm not seeing
15 responses on this.

16 MR. HOLLEMAN: If I may?

17 MR. ALTMAN: Yeah, please. Was that
18 just the raw notice without the responses?

19 MR. HOLLEMAN: These are what he's
20 talking about (indicating).

21 THE WITNESS: But there are no -- is he
22 asking about our responses to each of these?

23 MR. ALTMAN: Is that just the raw
24 notice, or just the one with responses?

25 MS. BROWN: Let me see. It's just the

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1 notice.

2 BY MR. ALTMAN:

3 Q. Okay. Then my question is: Have you
4 ever seen this document before?

5 A. I believe so.

6 Q. Okay. When did you see this document?

7 A. I honestly don't recall. It would have
8 been in preparation --

9 Q. Okay?

10 A. -- to respond to it.

11 Q. Did you do any research in preparation
12 for today's deposition?

13 MS. BROWN: Object to form. Go ahead.

14 A. Other than what I stated, reviewing
15 documents and -- and what we had submitted to you
16 and the responses to the interrogatories.

17 BY MR. ALTMAN:

18 Q. Okay. So you reviewed the submissions to
19 us --

20 A. Yes, sir.

21 Q. -- correct? Okay.

22 Did you go any other place to look for
23 documents?

24 A. I would have gone to our website and --
25 and reviewed our guide -- we have a guide there for

1 students with disabilities -- and our policies,
2 just to refresh myself with them.

3 Q. I understand.

4 All right. The university would agree
5 that doing three classes instead of one is
6 generally going to be a lot more work, correct?

7 A. I would think we would say three classes
8 is -- would take more time.

9 Q. More time, more work, correct?

10 A. More work. That's correct.

11 Q. Okay. You were not part of the
12 negotiation between the OCR and the university
13 concerning Maggie, correct?

14 A. That's correct.

15 Q. Okay. Now, was that the first time that
16 the university had been contacted by the OCR with
17 respect to an issue with disability accommodations?

18 A. To my knowledge.

19 Q. Okay.

20 A. That would have been the first time,
21 yeah. That's the only knowledge I have of the OCR.

22 Q. If -- were you aware that the OCR had
23 reached out to the university to discuss the
24 matter?

25 A. This particular matter?

1 **Q. Yes.**

2 A. At some point I became aware. I was
3 not -- they didn't contact me, so at some point I
4 became aware that they --

5 **Q. Did you become aware of it before the**
6 **matter was resolved between the OCR and the**
7 **university?**

8 A. Probably.

9 **Q. Okay. So if the OCR had reached out to**
10 **the university to discuss a student who was**
11 **complaining about disability accommodations during**
12 **your tenure at least as dean, would you have known**
13 **about it?**

14 A. Probably. Not necessarily, but -- but I
15 would not have been involved in those negotiations,
16 so --

17 **Q. I'm sorry.**

18 MR. ALTMAN: What's this?

19 MR. HOLLEMAN: The correct one.

20 MR. ALTMAN: Oh.

21 MS. BROWN: That's the notice with the
22 response.

23 MR. ALTMAN: Okay. Do we want to -- do
24 we want to substitute this?

25 MS. BROWN: That's completely up to you.

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1 MR. ALTMAN: I'm fine with that if you
2 want. I don't have a preference.

3 All right. Let's just -- I'm going to
4 take that one back, and we're going to
5 relabel this one as 6.

6 And if I happen to ask a question that
7 you think goes beyond the designation and he
8 has knowledge, you can say, "Hey", he's
9 not -- he's testifying as himself and not" --

10 MS. BROWN: Sure.

11 THE COURT: I'm going to try not to do
12 that, but it's really hard for me to --

13 MS. BROWN: I know.

14 MR. ALTMAN: -- to read the --

15 MS. BROWN: And with three designees,
16 it's difficult. So I'll just --

17 MR. ALTMAN: I understand.

18 MS. BROWN: -- put on the record to the
19 extent that he was not designated to testify
20 about OCR, if he has personal knowledge, he
21 can answer those questions.

22 MR. ALTMAN: Okay.

23 BY MR. ALTMAN:

24 Q. Are you aware of any other OCR complaints
25 that are not related to disability services that

1 came into the university --

2 A. No.

3 Q. -- during the -- let's talk 2015 time
4 frame forward?

5 A. I am not.

6 Q. Okay. Do you think you would know about
7 that --

8 A. Not --

9 Q. -- if they had come in?

10 A. Not necessarily, no.

11 Q. Okay. Now, with respect to -- let me
12 just start looking through this. Okay. On the
13 admission process, when a student comes in who has
14 disabilities, how does that student, as part of
15 their enrollment, have their disabilities taken
16 into consideration and accommodations established?

17 A. The student would have to approach a
18 student services coordinator and ask for
19 accommodations, to disclose their disability and
20 request accommodations.

21 Q. Okay. And if they did that, then what
22 happens?

23 A. The -- there's a discussion; there will
24 be a collection of the medical documentation so we
25 can see the nature of the disability; and then they

1 would work with the student to say -- ask the
2 student, "What accommodations are you requesting?"
3 They would review that list of requests and then
4 they would approve them. At that point, the
5 student the services coordinator would contact the
6 faculty through a letter that says, "This student
7 has been granted these accommodations," and then
8 they would list the accommodations that were
9 approved.

10 Q. Why don't they just do it orally?

11 A. Well, I think they would like to have it
12 in writing.

13 Q. So it's important to have discussions
14 like that in writing?

15 A. To --

16 MS. BROWN: Object to the form.

17 A. I'm not sure -- I'm not sure I understand
18 what --

19 BY MR. ALTMAN:

20 Q. It's important -- I'll ask it this way:
21 It's important to have communications between the
22 disability office and faculty in writing?

23 MS. BROWN: Object to the form.

24 A. I think that's our practice.

25 BY MR. ALTMAN:

1 **Q. Okay. Why?**

2 A. I would think just to have a record of
3 having provided accommodations to a student.

4 **Q. So if a student was writing**
5 **communications to the school, it would be just as**
6 **important for the school to respond to the student**
7 **in writing, correct?**

8 A. I think -- I'm not sure how to answer
9 that. That's awfully broad.

10 **Q. Well, if a student was complaining about**
11 **the accommodations that they were receiving --**

12 A. Uh-huh.

13 **Q. -- it would be just as important for the**
14 **school to respond to that student in writing for**
15 **the same reasons, right?**

16 A. I think our practice would be to pick up
17 the phone and call the student and say, "How can I
18 assist you?" I mean, we may -- the school may
19 respond no writing, but I don't want to say that
20 that's our practice right now. I think that it
21 depends. They may -- it depends on the nature of
22 the complaint, the nature of, you know...

23 **Q. Okay. Now, who is Dr. Brown?**

24 A. Dr. Brown is currently the vice president
25 for marketing and the foundation.

1 Q. And what was she before that?

2 A. She was the dean of teaching and learning
3 at the Harrison County campus.

4 Q. And when did she become the vice
5 president of marketing?

6 A. Probably shortly before I became the vice
7 president, so maybe January of 2019. I'm not
8 exactly sure.

9 Q. Okay. So during the main time that's
10 important for this lawsuit, 2015 to 2019 time frame
11 or so, she was the dean of teaching and learning?

12 A. That's correct, yeah.

13 Q. Okay. And that's why she would have been
14 involved in Maggie's matter?

15 A. That's correct.

16 Q. Okay. So I'm not sure I understand why
17 it's important that you communicate with faculty in
18 writing concerning disability issues, but you
19 communicate with students verbally by phone.

20 MS. BROWN: Object to the form.

21 A. Well, I would say that the nature of the
22 communications are different. We're giving
23 instructions to a faculty member that has a list of
24 accommodations. And I guess I could call them on
25 the phone and hope they correctly write down all of

1 the accommodations and get it correct, but it seems
2 to me the prudent thing to do would be to send them
3 a list of accommodations in writing.

4 If a student is complaining, I think the
5 compassionate thing to do is pick up the phone and
6 say, "I have a complaint from you. Can we get
7 together and talk," and invite them to come into
8 the office and talk. I guess I should make a
9 distinction between if they're -- if the complaint
10 comes as part of the formal grievance process,
11 then they would absolutely get something back in
12 writing. But if they're sending an email that
13 says, "I'm complaining about a proctor," we're
14 going to call them in and say, "What can we do to
15 help?"

16 BY MR. ALTMAN:

17 Q. Okay. Fair enough.

18 Now, does the student have to
19 specifically ask for what accommodations they want
20 once it's been established that they're entitled
21 to accommodations?

22 A. That's our practice, is that they request
23 an accommodation.

24 Q. How does a student know what are the
25 appropriate accommodations?

1 A. They're on our website in the guide.
2 They would have been given the guide to students
3 with disabilities. I don't have the exact title of
4 the guide. And in it, it lists all of the
5 accommodations that they're -- that they're
6 entitled -- it's not an exhaustive list, but the
7 typical ones that we see.

8 **Q. And so the student would be the one to**
9 **have to try to figure out which ones are the right**
10 **accommodations?**

11 A. Yeah, and I imagine it's a collaborative
12 process between the student services support
13 coordinator and them, that they may suggest at some
14 point an accommodation that the student is unaware
15 of; but the student would have to say, "I want that
16 accommodation."

17 **Q. Okay. One thing I just want to clear up.**

18 A. Uh-huh.

19 **Q. If there was a formal grievance process**
20 **that had been going on, you would agree at that**
21 **point it would be appropriate for the school to**
22 **respond to the student in writing in addition to**
23 **possibly having discussions or meetings, et cetera,**
24 **but writing should also be employed?**

25 A. It is. And that's the college practice.

1 Q. Okay. Did Maggie Russell disclose her
2 disabilities at the time she was accepted by the
3 university?

4 A. I would say so. I'm -- her first
5 disabilities was the fall of 2015, the first
6 request for disabilities and granting of
7 accommodations, and I'm assuming that is also the
8 first semester that she enrolled in classes.

9 Q. Okay. So the school was aware she had
10 significant issues with math from the time they
11 accepted her, correct?

12 A. We were aware of her disabilities, that
13 she had documented autism, Aspergers, depression, I
14 think there may have been one other.

15 Q. But the school was specifically
16 knowledgeable that there was an issue with her
17 doing math, correct?

18 A. I can't answer that. They were -- we
19 were aware of the disabilities that she disclosed
20 to us.

21 Q. Okay. So as we sit here right now, I
22 just want to be clear, because I'm asking the
23 university, not necessarily you.

24 A. Okay.

25 Q. And if you don't know because maybe you

1 didn't ask that question, that's fine. We can deal
2 with that.

3 A. Okay.

4 Q. I mean, did you ask the question of
5 whether she disclosed that she was -- had an issue
6 with doing math, or you just simply don't know?

7 A. Are you talking about in fall of 2015?

8 Q. Fall of 2015 when she first came to
9 campus.

10 A. I don't know.

11 Q. Okay.

12 A. I mean, I can look at the paperwork and
13 see what was listed there, and it was not listed
14 specifically a disability that she had problems
15 with math. It was autism --

16 Q. Did you look at -- did you look at that
17 document before today's deposition?

18 A. I did not.

19 Q. Okay. So you --

20 A. No, excuse me, I did look at the
21 accommodations that she was granted.

22 Q. That's the accommodations she was
23 granted. But --

24 A. Yes.

25 Q. -- did you look at what she disclosed

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1 when she first came to the campus?

2 A. I did not.

3 Q. Okay. So you just don't know what it
4 says?

5 A. That's correct.

6 Q. It could have said math; it might not
7 have said math. Okay. Fair enough.

8 Okay. Now, is the university would
9 agree that Maggie's got more disabilities than
10 most, that are non-physical, correct?

11 A. I don't -- I don't know. I mean,
12 that's -- we've got a number of students with
13 disabilities. I don't know that she has any more
14 or less than the other students that we're serving.

15 Q. Okay. Fair enough.

16 Now, were you aware that there were
17 offers to Maggie to -- strike that. Bad question.

18 The university was aware, because it
19 negotiated with the OCR, that there were four
20 alternatives offered to Maggie to complete her
21 degree, correct?

22 A. That's correct.

23 Q. One of them was to take the College
24 Algebra class, correct?

25 A. It was a four-credit -- it was 1314, not

1 1313. So it was a College Algebra class that
2 included a lab and tutoring session.

3 Q. Okay. But that was one option?

4 A. That was one option.

5 Q. The other three options, she had to take
6 multiple classes, correct?

7 A. Two of those options had a sequence of
8 courses that she had to take.

9 Q. And what was the last one?

10 A. Quantitative Reasoning, I believe, is one
11 of them. It was a single course, I think.

12 Q. What did the university do to assess
13 whether she would be able to complete any of those
14 options successfully given her disabilities?

15 MS. BROWN: Object to form.

16 A. I think -- what the university's -- what
17 the college's responsibility was, in that case, was
18 to find a substitute that allowed her to obtain the
19 same skills as she would in College Algebra; and
20 that's what they did. So the faculty in that
21 discipline would have said, "Okay. What are the
22 skills that we expect her to have out of College
23 Algebra? Can she get those in other places?"

24 Now, it's not a one-to-one; otherwise,
25 it would be called College Algebra. So she had --

1 they had to go to other courses and say, "She can
2 get some of the skills here, some of the skills
3 here, some of the skills here," I'm assuming is
4 the process that the faculty went through.

5 **Q. I understand. But what did the school do**
6 **to determine whether she could have completed any**
7 **of those options given her disabilities?**

8 MS. BROWN: Object to form.

9 A. I think they would have -- I don't know.
10 They would have expected her to enroll in classes
11 as any other student would have.

12 BY MR. ALTMAN:

13 **Q. But that's not my question, Dr. Bonfanti.**

14 A. Uh-huh.

15 **Q. What did the school do to determine**
16 **whether her disabilities would have allowed her to**
17 **successfully complete any of those options?**

18 A. To my knowledge, I don't know what they
19 do.

20 **Q. Should the school have, you know,**
21 **assessed her disabilities to see whether any of**
22 **those options were viable?**

23 A. I'm assuming they did assess her
24 disabilities and decided that those were viable.
25 I'm just -- I'm unaware.

1 **Q. Okay.**

2 A. I mean, that would have happened between
3 the discussions between the student support
4 services coordinator, the faculty. And the
5 faculty -- student support service coordinator is
6 aware of the disabilities. The faculty are aware
7 of the skill sets that she's supposed to obtain.
8 I'm sure they would have had that discussion.

9 **Q. Should Maggie have been part of those**
10 **discussions?**

11 A. I would assume she was -- that she spoke
12 with the student support service coordinator and
13 that the student support service coordinator
14 gathered the information she needed directly from
15 Maggie, took it to her discussions with the
16 faculty.

17 **Q. But you're making an assumption. You**
18 **don't know that that happened, correct?**

19 A. No. It's the normal course of the way
20 things would have happened.

21 **Q. Okay. Let's say that it didn't happen.**
22 **Would you agree that -- would the university agree**
23 **that it would have been difficult to assess whether**
24 **any of those options were viable without Maggie's**
25 **input?**

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1 A. It's difficult for us to assess whether
2 any student is going to pass any class that they
3 enroll in.

4 Q. I understand that. But --

5 A. So yes.

6 Q. Who would know whether Maggie was
7 involved in any discussions concerning those four
8 options?

9 A. I -- well, Dr. Brown, I assume, might
10 know, or -- or Aimee McGehee is actually the person
11 I would think.

12 Q. Okay.

13 A. I don't know that they had those
14 discussions, but that's...

15 Q. Now, to some degree, a lot of this
16 dispute comes down to whether Maggie could have
17 been successful at a Visual Basic class, right?

18 A. If you say so.

19 Q. Well, I mean, if you're not sure -- you
20 don't have to agree with it.

21 A. I'm not sure.

22 Q. Okay. All right. If Maggie had taken
23 the Visual Basic class and could not do the work
24 because of her disability, would they have given
25 her her degree?

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1 A. No.

2 Q. Okay.

3 A. But I think they would have continued to
4 work with her.

5 Q. Well, what does that mean?

6 A. They would have continued to look for
7 other accommodations.

8 Q. Well --

9 A. To help get her to --

10 Q. -- why not have discussed that with her
11 before these options were developed?

12 A. We did discuss --

13 Q. Hold on.

14 A. Oh, I'm sorry.

15 Q. It takes some practice.

16 You were here for part of the testimony
17 of Ms. Russell. Would it surprise you to know
18 that both Maggie and Ms. Russell testified that
19 they did not speak with anybody at the school or
20 the OCR about the resolution?

21 A. Yes, it would surprise me.

22 Q. Okay. Now, we can agree, if that were
23 true, it is somewhat problematic, isn't it, that
24 you should have spoken with a student before coming
25 up with a resolution?

1 A. No, I don't necessarily agree with that.

2 **Q. So how did they determine -- I probably**
3 **asked you this. How did they determine that those**
4 **options were in any way viable without talking to**
5 **the student?**

6 MS. BROWN: Object to the form.

7 A. I think their concern was to make sure
8 that the student completed and obtained the skills
9 required of a student earning an associate of arts
10 degree. They looked at three courses that they
11 think were viable substitutes and brought those to
12 Maggie and said, "These are -- this is what we
13 think would be a viable substitute for College
14 Algebra."

15 BY MR. ALTMAN:

16 **Q. But let's come back to the Visual Basic.**
17 **You said they would have continued to work with her**
18 **if she could not complete Visual Basic?**

19 A. I think if she were struggling, I have no
20 doubt the college would have worked with her, would
21 have said, "If you're struggling with this, now
22 that we see you're in it and you're struggling with
23 it, what are our other options?"

24 **Q. Well, what would the other options be?**

25 A. I can't speculate on that would be. I

1 know another option was offered once the
2 lawsuit was in -- so there's an example of another
3 viable option. I think it had to do with basic
4 courses.

5 Q. Sure. But that was just, you know,
6 "We'll put you in a class and we'll let you keep
7 working at it until maybe you pass it," right?

8 A. I wasn't a part of that, so I'm not
9 exactly sure what the -- what that option was. But
10 as an example, that the college is continuing to
11 this day to work with her to find a viable
12 accommodation to get her through to graduation.

13 Q. I have to use this as an example, but did
14 you play an instrument in -- when you went to
15 school?

16 A. I did not.

17 Q. Okay. So as -- as I said, if I threw you
18 into a class, a band performance class where you
19 had to play the oboe, you're not going to be able
20 to do that, are you?

21 A. I sure would give it a shot and try to
22 learn; and eventually I'm either going to succeed
23 or fail.

24 Q. Okay. So if you were -- if you failed
25 because you couldn't do it, then should you --

1 **should that keep you from graduating?**

2 A. If that was a requirement for graduation.

3 **Q. Now, who developed the requirements for**
4 **graduation for the university?**

5 A. The core curriculum, that's beyond my
6 knowledge base. It's -- we've got a developed core
7 curriculum of 40 courses that are standard for all
8 the degrees. You would have to talk to one of the
9 academic officers as to how that's developed.

10 **Q. So who I would talk to?**

11 A. Dr. Woodward is our -- currently our
12 chief academic officer.

13 **Q. Do you know how long -- I don't know if**
14 **it's a man or a woman.**

15 A. Oh, Jonathan Woodward.

16 **Q. Okay. How long has he been in that**
17 **position?**

18 A. He's been in that position since 2018, I
19 would suspect, 2018.

20 **Q. Do you know who it was before that?**

21 A. Dr. Jason Pugh.

22 **Q. Okay. Is that the same Dr. Pugh that's**
23 **here?**

24 A. That's the same Pugh that's right here.

25 So he might be able to speak --

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1 THE WITNESS: I wasn't going to
2 volunteer you.

3 MR. ALTMAN: Oh, he doesn't mind.

4 A. But I'm sure he knows the process about
5 how the state -- how this is developed. As a
6 student services professional, I just know that
7 that's the core curriculum that all of our students
8 are expected to pass and complete before they can
9 graduate.

10 BY MR. ALTMAN:

11 Q. Maggie Russell attempted College Algebra?

12 A. She did.

13 Q. And was unsuccessful at it. She
14 eventually withdrew. Why didn't the university
15 work with her then --

16 A. They did --

17 Q. -- to try to get her through College
18 Algebra?

19 A. The college did work with her. They
20 offered to put her into, initially, Math 1314,
21 which is a version of that class that combines
22 Intermediate Algebra and College Algebra into
23 course, adds a lab component to it, and I believe
24 we talked to her about using the learning resource
25 center for tutors.

1 Q. But she was unsuccessful as far as she
2 went to the class, right?

3 A. She never enrolled in 1314.

4 Q. Okay. Now I'm confused. I thought 1314
5 was the class she took.

6 A. No, she took 1313 in the summer of 2018.
7 That's -- she took College Algebra 1313, which is
8 the regular. So that -- that course assumes you've
9 passed Intermediate Algebra. And it's a regular
10 course. And she signed -- she registered for that.
11 She was unsuccessful. We said, "You need to be in
12 1314."

13 Q. Which would be more intensive-involved
14 than 1313, right?

15 A. I wouldn't say intense. What I would say
16 is it's got more support. It's a course that's got
17 built in support that requires the student -- so
18 you if you're in Math 1313, whether or not you go
19 to learning resources or tutoring is up to you. If
20 you're in 1314, you're required. It is a built in
21 part of the class that you have to get assistance.

22 Q. But when she took 1313, though, she did
23 have support, didn't she?

24 A. I would have to go back and see. The
25 support was available to her, yes.

1 **Q. She was using tutoring wasn't she?**

2 A. I don't recall. It would have been
3 available to her.

4 **Q. Okay. So she could have taken 1313 or**
5 **1314?**

6 A. Right.

7 The other thing I'll say is she took
8 1313 in a compressed format in the summer. 1314
9 would have been a 16-week format in the fall.
10 1313 in the summer, I believe, was a five-week
11 format. I would have to go back and look at it,
12 but I believe it was a five-week format. So it
13 was much more compressed.

14 **Q. So more time during the week?**

15 A. Oh, yeah. It was daily. You had to go
16 every day for longer periods of time in order to
17 get the hours in, the clock hours in.

18 **Q. When a student complains that they're**
19 **having -- a student who has disability**
20 **accommodations complains that they're not receiving**
21 **any accommodations or the support necessary to be**
22 **successful, how are those complaints handled?**

23 A. Generally they're handled informally.
24 Generally the student goes to the student support
25 services coordinator. They try to work it out with

1 the faculty. If it can't be worked out with the
2 faculty, it's then brought to both deans, most
3 likely the dean of student services who is in
4 charge of the students services support
5 coordinator, and the dean of teaching and learning
6 who is in charge of the faculty to see if they
7 can't work it out.

8 **Q. And if they can't work it out, then what**
9 **happens?**

10 A. It really depends on the nature of what
11 the complaint is. So if -- it may involve moving
12 the student to another class in order to assist the
13 student right away, but then it would also involve
14 the college addressing the issue with the faculty
15 member about the necessity to offer accommodations.
16 So it really depends on the situation. I would
17 have to have a specific example. But that's
18 generally how it works.

19 **Q. Now, there's no dispute that Maggie**
20 **raised issues about the math to the university,**
21 **correct? Strike that. Terrible question.**

22 Up through 2015 to we'll say 2018, the
23 university would agree that Maggie Russell raised
24 issues about her having to do College Algebra,
25 whatever, to the university, correct?

1 A. I'm not aware. The first time I became
2 aware of a complaint was when she wrote the letter
3 asking for the College Algebra -- when Maggie's
4 mom. So it wasn't Maggie. But there may have been
5 conversations -- and I know you're going to talk
6 with Aimee McGehee. There may have been
7 conversations between her and the student about
8 difficulties in math, but the administration became
9 aware of it -- the college administration became
10 aware of it when the letter was received in the
11 summer of 2018.

12 **Q. Okay. So there's no question at that**
13 **point that the university was aware that there was**
14 **an issue with Maggie and math, correct?**

15 A. That's correct.

16 **Q. Okay. Was the university surprised that**
17 **it received an OCR complaint concerning Maggie?**

18 MS. BROWN: To the extent that that's in
19 his designation, if he knows, he can answer
20 it.

21 A. I don't know if they were surprised or
22 not. I would think so. I think at that point we
23 thought we were working with the student. We had
24 found a solution, and...

25 BY MR. ALTMAN:

1 Q. What was -- and the solution that was
2 found?

3 A. The Math 1314.

4 Q. So it was the university's expectation
5 she would have taken Math 1314 in the fall of 2018?

6 A. That's correct.

7 Q. And what kind of support would they have
8 provided to Maggie?

9 A. Well, she would have gotten, I'm
10 assuming, all of the accommodations she had
11 received for the prior six semesters or so that she
12 was receiving. In addition to that, 1314 has a
13 built in lab. We would have made sure she made use
14 of the learning resource center. And at this
15 point, the college was aware she was having
16 difficulty, I think they would have been checking
17 on her regularly, on her progress, to make sure
18 that she was doing well, and they would have been
19 committed to her passing that course.

20 Q. So what does that mean? What if she
21 could not -- is it the -- strike that.

22 Is it the university's position -- let's
23 put substitutes aside -- that if Maggie doesn't
24 pass College Algebra, she does not get to
25 graduate?

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1 MS. BROWN: Object to the form.

2 A. No, I think our position was we were
3 going to get her through College Algebra 1314 and
4 get her to graduation. I think that was the
5 position of the college at the time.

6 BY MR. ALTMAN:

7 Q. I understand. But that presumes that she
8 could be successful at it. And I'm asking you
9 to --

10 A. We --

11 Q. -- the university to assume that she
12 could not be successful at doing College Algebra --

13 MS. BROWN: Object to the form.

14 BY MR. ALTMAN:

15 Q. -- no matter what --

16 MR. ALTMAN: I didn't finish yet.

17 BY MR. ALTMAN:

18 Q. -- no matter what resources were thrown
19 at her.

20 MS. BROWN: Object to the form.

21 A. I think it's --

22 MR. ALTMAN: I'm still not done yet. I
23 didn't get a chance to finish. Let me try it
24 again. Let's start over.

25 BY MR. ALTMAN:

1 Q. Is it the university's position that if
2 Maggie could not successfully complete College
3 Algebra, irrespective of whatever support that the
4 university gave to her, that she would not
5 graduate?

6 MS. BROWN: Finished?

7 MR. ALTMAN: Yes. Now I'm finished.

8 MS. BROWN: Object to the form.

9 MR. ALTMAN: Okay.

10 A. I think the college would have worked --
11 continued to work with Maggie until she got across
12 the stage and graduated.

13 BY MR. ALTMAN:

14 Q. Well, how would they have done that if
15 she couldn't pass the class?

16 A. I think they would have --

17 MS. BROWN: Same objection.

18 A. I think they would have done what they're
19 doing. They would have found substitutes for
20 College Algebra on their own. I don't think -- I
21 think if the college saw that she was having
22 difficulty, they -- we would not have needed an OCR
23 complaint to get us to the point where we were
24 going to offer substitutes for that course.

25 But the first thing we were going to try

1 and do is get her through 1314. That would have
2 been the preferable route to put her through.
3 And if we couldn't get her through 1314, I have no
4 doubt the college would have looked for
5 substitutes.

6 **Q. What would the substitutes have been?**

7 A. So those substitutes would have been
8 decided by the faculty in that discipline, and
9 they, through OCR, came up with the two options we
10 saw. I don't have them in front of me, but I know
11 testifies Visual Basic, Economics, Physical --

12 **Q. And, I mean, I happen to be a computer**
13 **expert. Is it really the school's belief that a**
14 **student who could not complete College Algebra**
15 **would be able to be successful in a programming**
16 **class?**

17 MS. BROWN: Object to the form.

18 A. It certainly was the belief of the
19 faculty that this is what would be needed to
20 substitute. And the college would have done
21 everything it could, as it does with all its
22 students, to make sure that they're supported and
23 successful in their courses.

24 BY MR. ALTMAN:

25 **Q. Okay. But what if she has a disability**

1 **that keeps her from being successful in that class?**

2 A. Well, I think --

3 **Q. Then what would the university have done?**

4 A. They would have continued to help her.

5 Now, what those details are, I can't tell you now.

6 I don't know. I would not -- I know that the
7 college would have denied to help her. What they
8 would have come up with would have been determined
9 not necessarily by me, but the faculty involved
10 with it.

11 **Q. So if it took her three years to get**
12 **through Visual Basic, the university would have**
13 **just kept plugging away at it?**

14 A. Well, I'm assuming they would have come
15 up with an accommodation. I don't think they would
16 -- I don't think the college would have said, "Hey,
17 you're going to keep taking this and failing it."
18 At some point, they would have said, "Okay. Let's
19 take a different route," until they found a route
20 that got her to graduation. That route may have
21 been, for example, what showed up later on in the
22 lawsuit. That may have happened without an OCR
23 complaint, without a lawsuit, that eventually the
24 college would have got to the point they said,
25 "Okay. Let's try this. Let's try this."

1 But I think the college's stance is
2 we're going to start with College Algebra and
3 start to branch out until we find a way to get her
4 across the stage.

5 **Q. What stopped the university from waiving**
6 **the requirement for College Algebra in this**
7 **particular case given this particular student's**
8 **difficulties?**

9 A. Well, if would have fundamentally altered
10 the nature of the program in that the core
11 curriculum is the same for all students who walk
12 across the stage and graduate from Gulf Coast.
13 They've all completed the same 40 hours. So to
14 simply remove one of those for a student would have
15 fundamentally altered the nature of the foundation
16 of what we call our associate of arts degree.

17 **Q. Is the university aware -- I can't**
18 **remember the name of the golf pro who was given the**
19 **right to use an electric golf cart when playing in**
20 **golf tournaments?**

21 MS. BROWN: Object to the form.

22 A. I'm not aware. I'm not aware of it, and
23 I don't know that the university is aware of it --
24 the college. Excuse me.

25 BY MR. ALTMAN:

1 Q. Would it surprise you to learn that
2 courts have decided that there was a golf pro who
3 was given the right to use electric -- an electric
4 golf cart during pro tournaments because of his
5 disabilities?

6 A. No.

7 Q. That fundamentally changes the game,
8 right?

9 MS. BROWN: Object to the form.

10 A. I wouldn't think so.

11 BY MR. ALTMAN:

12 Q. You don't think it makes a difference
13 that every other golf pro has got to walk several
14 miles, and this pro gets to ride in a cart?

15 MS. BROWN: Object to the form.

16 A. I'm not a golf expert.

17 BY MR. ALTMAN:

18 Q. Okay. I just want to be clear on
19 something. The university's position is that it
20 was not -- Maggie did not need to be involved in
21 the negotiation between the school and the OCR over
22 the resolution?

23 MS. BROWN: Object to form.

24 A. I don't know what the process in OCR is.

25 I don't know who is normally involved in coming up

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1 with a resolution. I don't know how the complaint
2 process works. I wasn't involved in the process.

3 BY MR. ALTMAN:

4 Q. Okay. But you are being designated today
5 for the question as to how it is determined what,
6 if any, additional learning aids students may
7 utilize (i.e., process, calculate, paper, pencils,
8 notes, et cetera) in order to be successful?

9 A. That's correct.

10 Q. Okay. So you don't -- so since you are
11 the person who is supposed to speak to that, you're
12 saying the university can't say --

13 MS. BROWN: I object to that.

14 MR. ALTMAN: Hold on. Let me ask my
15 question.

16 BY MR. ALTMAN:

17 Q. Are you saying that you, the university,
18 can't say whether Maggie should have been part of
19 that process?

20 A. She's --

21 MS. BROWN: Hold on.

22 You're asking him about the OCR. And
23 the area of inquiry you've just read has
24 nothing to do with the OCR. He is not
25 designated to talk about the OCR process.

1 MR. ALTMAN: It's got nothing to do with
2 the OCR process. It's got to do with whether
3 Maggie should have been involved in the
4 process.

5 MS. BROWN: With the OCR.

6 MR. ALTMAN: It has nothing to do with
7 the OCR. The question is whether the
8 university should have put these possible
9 solutions in front of Maggie before agreeing
10 to them to see if she could be successful and
11 get her view.

12 MS. BROWN: And he is not designated to
13 testify regarding this area of inquiry.

14 MR. ALTMAN: He is. "How the university
15 determines if any and/or what alternative
16 courses may be offered."

17 MS. BROWN: And he can answer a question
18 regarding that.

19 MR. ALTMAN: Well, okay.

20 MS. BROWN: With respect to the OCR, he
21 is not designated to testify about that
22 process.

23 MR. ALTMAN: I don't care about the OCR.

24 MS. BROWN: Then ask a question that
25 doesn't include that.

1 BY MR. ALTMAN:

2 Q. The school agreed to four alternatives
3 with the OCR. Is it the school's position that
4 Maggie should not have been part of that discussion
5 before the university agreed with the OCR?

6 MS. BROWN: Same objection.

7 A. Well, I think Maggie was in discussions
8 with Aimee McGehee, her student support
9 coordinator, about the accommodations she needs. I
10 think that her mother did not request an
11 accommodation, but instead wrote a letter to the
12 administration requesting a waiver, and then filed
13 a complaint with OCR. That's not Maggie talking to
14 the student support coordinator about what she
15 needs to pass a course.

16 BY MR. ALTMAN:

17 Q. That's not the question I asked you.
18 There were four alternatives that the university
19 agreed to with the OCR.

20 A. Uh-huh.

21 Q. Should the university have discussed
22 those four alternatives with Maggie before
23 resolving the matter with the OCR?

24 MS. BROWN: Same objection.

25 A. I don't know the answer to that. I can't

1 tell you the process for OCR.

2 BY MR. ALTMAN:

3 Q. It's got nothing to do with OCR.

4 Should -- somebody at the university decided that
5 those were the four alternatives they were willing
6 to offer, right?

7 A. Yes.

8 MS. BROWN: Object.

9 A. I wasn't part of the process. I'm
10 assuming that it did not come from OCR; it came
11 from the college. But that's an assumption.

12 BY MR. ALTMAN:

13 Q. Okay. So don't you agree it would have
14 been reasonable for the university to have
15 discussed those four alternatives with Maggie or
16 her mother before agreeing to them with the OCR?

17 MS. BROWN: Object to the form.

18 A. No, I do not.

19 BY MR. ALTMAN:

20 Q. So who determined that those were viable
21 alternatives -- strike that.

22 So the university decided that these
23 were viable alternatives without discussing it at
24 all with Maggie to see whether she could
25 accomplish any of those, right?

1 MS. BROWN: Object to the form.

2 A. Well, at this point, Maggie or her mom
3 has filed a complaint with OCR. So at this point,
4 the college was going to discuss it with OCR. I
5 mean, they've already filed a complaint.

6 Q. I see.

7 A. And so -- and I'm assuming at the point
8 they filed a complaint, the college is going to say
9 I've got to talk to OCR. They're the mediator in
10 this -- in this process. And again, I'm not as
11 familiar with the process, but they're the
12 mediator. So I think at that point, that's who the
13 college is going to talk with, is OCR. The --
14 Maggie and her mom have already decided they don't
15 want to talk to the college. That's why they filed
16 a complaint with OCR. They want to talk to OCR.

17 Q. Okay. So do you think somebody should
18 have discussed this with Maggie --

19 A. I don't think it was an option.

20 Q. Hold on.

21 A. Okay. Sorry.

22 Q. Don't you think somebody should have
23 discussed those options with Maggie before it was
24 agreed to?

25 MS. BROWN: Object to the form.

1 A. I don't -- I don't know the OCR process,
2 so I don't know if they reached out and tried to
3 talk to her or not.

4 BY MR. ALTMAN:

5 Q. They didn't. So I'm asking the
6 university, though, don't you think, whether you
7 could talk directly -- and I don't mean -- whether
8 the university can talk to Maggie directly or not,
9 don't you think it would have been prudent for
10 somehow Maggie to have been part of this process of
11 the university deciding what options to provide?

12 A. I'm assuming once they filed a complaint,
13 that we're not talking directly to them. We're
14 talking through OCR.

15 So what OCR -- how OCR communicates with
16 the complainant in this case, I don't know. But
17 I'm assuming once it was filed, that the college
18 is only talking with OCR officials.

19 Q. Okay. Who was the person at the --
20 person or persons at the disability office who was
21 working with Maggie Russell?

22 MS. BROWN: Object to the form.

23 BY MR. ALTMAN:

24 Q. During the time that she was there?

25 A. What do you mean by "disability office"?

1 Q. Well, there's a disability office at the
2 university, right?

3 A. We have student support coordinators in
4 each of our enrollment services centers.

5 Q. I understand. But there's an office that
6 specializes in helping students with disabilities,
7 correct?

8 A. No.

9 Q. Okay. So where -- so who does -- I guess
10 under student services are there disability
11 specialists who deal with students who have
12 disabilities?

13 A. Yeah, student support services
14 coordinator. We have one-stop shops. It's called
15 enrollment services center. Students go there for
16 admissions, financial aid, advising, disability
17 accommodations, any number of things. They go to
18 one place. There are specialists in that place in
19 each of those areas, and in each of those is a
20 student support services coordinator.

21 Q. All right. So who were the people from
22 that department who were responsible for Maggie
23 Russell's disability needs?

24 A. Aimee McGehee.

25 Q. Okay. That's it?

1 A. That's it, yeah.

2 Q. Okay. And that's for the whole time
3 basically, 2015 to 2019?

4 A. Yeah. Aimee's still employed there as
5 the student services coordinator.

6 Q. Now, was Aimee McGehee the person who
7 provided services to Maggie?

8 A. I'm not sure that I understand "provided
9 services." She -- she received the medical
10 documentation, verified the disabilities,
11 negotiated the accommodations with the student, and
12 then informed the faculty that these are the
13 accommodations. She's -- she is allowed to -- and
14 sometimes she provided the accommodations such as
15 proctoring an exam.

16 Q. What about reading -- reading questions
17 to Maggie? Would that have been Aimee also?

18 A. She may have, yeah. She may have done
19 that as well.

20 Q. Now, when -- according to Susan Russell,
21 she sent nine letters to Dr. Brown, none of which
22 were responded to in writing. Is that a problem at
23 all for the university? Should Dr. Brown have
24 responded in writing?

25 A. I'm not -- I'm not aware that nine

1 letters were written and nothing was responded --
2 that she did not respond to them. If that is true,
3 I would have to -- I would have to look and see how
4 Dr. Brown responded.

5 Q. If Dr. Brown -- if Susan Russell sent
6 nine letters, as she testified to, and that's the
7 only testimony right now, okay, and she also
8 testified that Dr. Brown never responded to her in
9 writing to any of those nine letters, is that
10 acceptable?

11 A. That would be unacceptable if that's what
12 happened.

13 Q. Okay.

14 A. I'd like to add a comment to that last
15 question.

16 Q. Sure. Go ahead.

17 A. If at some point she had obtained a
18 lawyer, then we expected our responses to go
19 through a lawyer.

20 Q. Okay. But somebody should have been
21 responding to those nine letters? Regardless of
22 who --

23 A. Yeah --

24 Q. -- they should not have gone unresponded
25 to?

1 A. That's correct.

2 Q. I mean, maybe the first or second, but
3 not nine.

4 A. Right.

5 Q. Obviously somebody was not happy --

6 A. Right.

7 Q. -- with what was going on, when they
8 write nine letters, right?

9 A. Yeah. So my assumption is -- well, I'm
10 not going to assume anything other than she has
11 testimony that that's what happened.

12 Q. Now, you've testified that the
13 university, had she taken the College Algebra 1314
14 or done Visual Basic, or whatever it ultimately
15 came to, and she was not successful, that the
16 school would have tried something else to help her
17 to be successful, right?

18 A. That's correct.

19 Q. I mean, how much time does the school get
20 to do that? Does that go on forever?

21 A. I think as long as she needed help, they
22 would have continued to provide her help.

23 Q. And so she was just supposed to keep
24 trying? "Try this course. If that doesn't work,
25 try another course. If that doesn't work, we'll

1 **try another course," and have nothing concrete?**

2 A. I don't know what -- how that would have
3 played out in terms of what the accommodation would
4 have been or substitution, but the college would
5 have continued to support her and help her try and
6 earn the degree.

7 Q. **If, as the testimony was, Ms. Russell**
8 **sent nine letters to Dr. Brown, why did it take the**
9 **OCR -- the OCR's involvement for the school to**
10 **actually respond back with some alternatives?**

11 MS. BROWN: Object to the form.

12 A. I don't know that that's -- I know that
13 that's what she's testified, but I don't know that
14 that's the case. So I find that a difficult
15 question to answer, because I don't know that
16 that's the case, that we did not, as a college,
17 respond until OCR, until she filed an OCR
18 complaint.

19 BY MR. ALTMAN:

20 Q. **Did you do anything to research that**
21 **issue in terms of preparing for today's deposition?**

22 A. I did not. There are communications
23 there. There was a list. I don't have -- I don't
24 have it memorized. There were multiple
25 communications, phone calls, emails between

1 Dr. Brown and Ms. Russell. I just don't have them
2 memorized, and I think that they took a -- they
3 took place after the letter that we received saying
4 that she would like a waiver of the course all the
5 way up through the OCR complaint, the filing of the
6 OCR complaint.

7 Q. Since there's two Ms. Russels, I just
8 wanted to be a little more --

9 A. Oh, sorry. Susan Russell.

10 Q. I just wanted to be a little more
11 precise.

12 A. Susan Russell. I know that there were --
13 there was multiple communications between Dr. Brown
14 and Susan Russell between the letter that was
15 received in June and the OCR complaint later that
16 fall.

17 Q. Okay. How did the school consider
18 Maggie's disabilities when deciding the options to
19 propose to the OCR?

20 A. I wasn't part of the negotiations --

21 MS. BROWN: Object to the form.

22 A. -- but I'm -- but they would have looked
23 at two things: What are the -- what is the
24 college-level proficiency that we're expecting her
25 to get, whether that's mathematical problem

1 solving, critical thinking, whatever it is; how can
2 she get that through other courses; and are those
3 these courses that we believe she can get through
4 based on her disabilities. I'm assuming that would
5 have been involved in part of that discussion.

6 Q. But you're making assumptions. You don't
7 have the knowledge as you sit here, correct?

8 A. I would not have been in the discussions.

9 Q. Okay. And that is topic number -- I just
10 want to be clear, Maggie would have received an
11 associate's degree in arts, correct? Is that the
12 degree she would have gotten?

13 A. No.

14 Q. What's the degree she would have gotten?

15 A. An associate of arts.

16 Q. That's what -- I mean -- okay.

17 A. It's the same degree every student would
18 have received. There's no -- we only offer one --
19 we only offer three degrees: An associate of arts,
20 associate of science, and associate of applied
21 science. That's it.

22 Q. Gotcha.

23 A. There's no -- unlike a four-year
24 institution, you don't have an associate of arts in
25 something. It's just an associate of arts.

1 Q. I understand.

2 And then presumably she could have tried
3 to go to a four-year school to get a bachelor's?

4 A. Right. The associate of arts is designed
5 to prepare you to transfer to a degree in the arts
6 broadly, not fine arts, but in the arts at a
7 four-year institution, associate of science in a
8 science field, so on.

9 Q. Now, the -- was it Aimee McGehee who
10 would have informed Maggie's instructors about her
11 accommodations?

12 A. Yes, that's correct.

13 Q. And that's not something the instructors
14 can -- this is a one-way dictation, shall we say?
15 It's not something the instructors can negotiate
16 over, correct?

17 A. That's correct.

18 Q. Is it the university's testimony that
19 it's never waived any of its graduation
20 requirements in its history with respect to any
21 student?

22 A. Not to my knowledge. We have not waived
23 graduation requirements.

24 Q. Now, are you speaking as you, yourself,
25 personally, or are you speaking on behalf of the

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1 **university?**

2 A. On behalf of the university.

3 **Q. Okay.**

4 A. I'd say on behalf of the current
5 administration of the university, qualify with
6 that. I can't speak for -- but the current
7 administration.

8 **Q. How long have you been at the university?**

9 A. The college?

10 **Q. Excuse me. The college.**

11 A. The -- I've been there since
12 October 1st, 2014.

13 **Q. And where were you before that?**

14 A. Mississippi State University.

15 **Q. How long were you there for?**

16 A. Fifteen years. 1999 to 2014.

17 **Q. And were you in administration when you
18 were there?**

19 A. Various. I held various positions there,
20 all in administration. But about five different
21 positions over 15 years.

22 **Q. Have there been other students at the
23 university who simply couldn't pass some class or
24 some graduation requirement who were never able to
25 obtain a degree who -- and I'm not talking about**

1 somebody who just, you know, was lackadaisical and
2 didn't want to work, but somebody who really worked
3 hard to get a degree and was not able to get a
4 degree?

5 MS. BROWN: Object to the form.

6 A. I mean, we have students who enroll
7 all -- who enroll all the time and don't earn
8 degrees.

9 BY MR. ALTMAN:

10 Q. I understand that. I'm not talking about
11 a student who comes and goes and -- I'm talking
12 about a student who comes to the university with
13 the intent to get a degree and is unable to obtain
14 the degree because of some class that they can't
15 pass.

16 MS. BROWN: Object to form.

17 A. I believe our graduation rate currently
18 sits at about close to 50 percent, somewhere in
19 there; so yeah, half the students who come don't
20 graduate.

21 Q. How many students are there at the
22 college?

23 A. 8,000.

24 Q. Is that all in that one campus?

25 A. No. They're spread out across ten

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1 locations.

2 Q. In the campus that's here, that Maggie
3 went to, how many students are there?

4 A. Probably close to 3,000.

5 Q. Okay.

6 MR. ALTMAN: Let's take a break for a
7 couple of minutes. I may be done with
8 Dr. Bonfanti.

9 MS. BROWN: All right.

10 (Off the record.)

11 BY MR. ALTMAN:

12 Q. Dr. Bonfanti, do you think that a student
13 who is willing to do the work, put the time in,
14 takes it seriously, should be able to get a degree
15 at the college?

16 MS. BROWN: Object to form.

17 A. I think a student like that would get a
18 lot of support, and the college would make sure
19 that student graduated.

20 BY MR. ALTMAN:

21 Q. Do you think there's ever a circumstance
22 where a student just simply should not be able to
23 graduate no matter how hard they work?

24 MS. BROWN: Object to the form.

25 BY MR. ALTMAN:

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1 Q. Strike that.

2 Does the university think there are
3 students who, no matter how hard they work, should
4 be able to graduate --

5 MS. BROWN: Object to the form.

6 BY MR. ALTMAN:

7 Q. -- because they can't meet some
8 requirement?

9 A. I think the university says our degree
10 says you have a certain level of college
11 proficiency in five areas; and if you cannot show
12 us that you have those five levels of proficiency,
13 we can't give you your degree that says you have
14 something you don't have.

15 It's about work, but it's also about
16 attaining certain levels of proficiency. We're
17 telling employers with our degree, we're telling
18 four-year institutions with our degree that these
19 students have obtained this level of proficiency
20 in these five areas.

21 Q. So if a student is not able to meet some
22 requirement, then they should not be able to get a
23 degree, because of a -- because of a disability?

24 A. If the student --

25 MS. BROWN: Object to the form.

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1 A. If the student cannot master the five
2 college-level proficiencies, then we should not
3 give them a piece of paper that says they did.

4 BY MR. ALTMAN:

5 **Q. Dr. Bonfanti, thank you for your time.**

6 A. All right. Thank you.

7 (Deposition concluded at 3:06 p.m.)

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1 CERTIFICATE OF COURT REPORTER

2 I, Kati Vogt, RPR, RMR, CRR, RDR, Court
3 Reporter and Notary Public in and for the County of
4 Harrison, State of Mississippi, hereby certify:

5 That on the 29th day of March, 2023, there
6 appeared before me PHILIP BONFANTI;

7 That I placed the witness under oath to
8 truthfully answer all questions in this matter
9 under the authority vested in me by the State of
10 Mississippi;

11 That the foregoing 67 pages, and including
12 this page, contain a full, true, and correct
13 transcript of the testimony of said witness, as
14 reported by me using the stenotype reporting
15 method, to the best of my skill and ability.

16 I further certify that I am not in the employ
17 of, or related to, any counsel or party in this
18 matter, and have no interest, monetary or
19 otherwise, in the final outcome of the proceedings.

20 Witness my signature and seal, this the 20th
21 day of April, 2023.

22

23

24 Kati Vogt, RPR, RMR, CRR, RDR
My Commission Expires January 4, 2026

25



Kati Vogt

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1 ERRATA SHEET

2 I, PHILIP BONFANTI, do solemnly swear that I
 3 have read the foregoing transcript and that the
 4 same is a true and correct transcript of the
 5 testimony given by me on the 29th day of March,
 6 2023, at the time and place hereinbefore set forth,
 7 with the following corrections:

8 Page: Line: Correction: Reason for
 9 Correction:

10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____

16 _____
 17 PHILIP BONFANTI

18 NOTARIZATION

19 Subscribed and sworn to before me, this _____
 20 day of _____, 2023.

21 _____
 22 NOTARY PUBLIC

23 MY COMMISSION EXPIRES:

24 _____

25